

## REMARKS

Newly-presented Claims 21-23 cover the same patentable invention as Claims 1,2 and 10 of McGuffin et al.'s U.S. Patent No. 6,827,143 issued on December 7, 2004. It is believed that an interference should be declared on the following proposed count:

### Count 1

Claims 1, 2 and 10 of U.S. Patent No. 6,827,143 and new Claims 21, 22 and 23 of the instant application correspond to the proposed count.

The terms of new Claim 21 corresponding to the proposed count are supported in Applicant's specification as follows:

*"A tool assembly"* is supported by "casing alignment tool" described in Specification pages 2, line 22 and page 6, line 2, elements 10 and 50 in the Drawings, and in claims 1-23.

*"for positioning an inner tubular member in a desired position within an outer tubular member"* is supported by Specification, page 5, lines 15 – 20 describing: "In operation, the operator observes that the casing 40 is not in a concentric relationship with the central axis of the well bore 42 as shown schematically in Figures 1, 3, and 4. The operator then activates the hydraulic jack 20 to move the Vee block 30 into an engagement with an outside wall of the casing 40."

This clause is also supported by the preamble of Claims 1 and 15 of the application as filed.

*"a baseplate adapted to be secured to the outer tubular assembly"* is supported by Specification, page 4, lines 12 – 14 describing, "As can be seen in the drawings, the tool 10 comprises a base plate 12 adapted for detachable securing to a wellhead top 14 by bolts 16 or other suitable securing means." It is also supported by Specification, page 6, lines 4 – 5, describing "In this embodiment, the back plate 62 is secured at a right angle to a base plate 64 and is retained in that

position with the assistance of gussets 66.” The clause is further supported by elements 12, 64 in the drawings.

*“an actuator connected to said baseplate”* is supported by Specification, page 4, lines 22-23, page 5, lines 1,2, describing “A V-block, or Vee block 30 is secured to the hydraulic jack 20 by bolt 32 or other suitable securing means. The V-block 30 comprises a pair of spread arms 34 arranged in a v-shaped configuration for engaging an exterior wall of a casing 40 positioned within a vertical well bore 42.” and Specification page 6, lines 2 – 4, describing “As can be seen in the drawings, the casing alignment tool 50 is provided with a Vee block 52 which has a pair of arms 54 and 56 for contacting an outside of a casing 60.” This clause is further supported by elements 30, 52 in the drawings.

*“a power source connected to said actuator and providing energy for said actuator”* is supported by Specification, page 4, lines 17-18 describing “A power means 20, which can be a hydraulic jack, is secured to the top portion 22 of the back plate 18.” and Specification page 6, lines 10-11 describing “The straps 74 and 72 are tightened with respective hand operated ratchet winches 76 and 78.” This clause is further supported by elements 20, 78, and 78 in the Drawings.

*“wherein said actuator is positioned to exert a force against the inner tubular member to move the inner tubular member into the desired position.”* is supported by Specification, page 5, lines 16 – 20 describing “The operator then activates the hydraulic jack 20 to move the Vee block 30 into an engagement with an outside wall of the casing 40. The force of the power unit 20 has a horizontal and a vertical component, causing the casing 40 to move towards the center of the wellhead until the casing 40 contacts the end 49 of the arm and a desired alignment has been achieved.” and Specification page 6, lines 13 – 15, describing “By aligning the lever in relation

to the casing 60, the operator tightens or pulls on the straps 72 and 74, causing the casing 60 to move towards the center 90 and align with the center 90 of a wellhead body 76.”

The terms of new Claim 22 corresponding to the proposed count are supported in Applicant's specification as follows:

*“The tool assembly”* is supported by “casing alignment tool” described in Specification pages 2, line 22 and page 6, line 2, elements 10 and 50 in the Drawings, and in claims 1-23.

*“further comprising a support shoe attached to said actuator, said support shoe adapted to contact the inner tubular member.”* is supported by Specification page 4, line 23, page 5, lines 1-2 describing “The V-block 30 comprises a pair of spread arms 34 arranged in a v-shaped configuration for engaging an exterior wall of a casing 40 positioned within a vertical well bore 42.” and supported by Specification page 6, lines 7-10 describing “Alternatively, as shown in Figure 5, a flexible, non-stretchable band 72 may be used for wrapping around the flange 70 and securing the back plate 62 to the base plate 64.

A second flexible, non-stretchable band 74 is wrapped around an upper part of the section of the casing 60.” And is supported by elements 34, 72, and 74 in the drawings.

The terms of new Claim 23 corresponding to the proposed count are supported in Applicant's specification as follows:

*“The tool assembly”* is supported by “casing alignment tool” described in Specification pages 2, line 22 and page 6, line 2, elements 10 and 50 in the Drawings, and in claims 1-23.


*“further comprising a frame secured to said baseplate, wherein said actuator is coupled to said frame.”* is supported by drawing showing elements 12, 18, 36 forming a “frame” of the first embodiment and elements 62, 80 and 82 forming a “frame” of the second embodiment of the instant application.

Newly-presented Claims 21 – 23 are patentable over the cited references for the following reasons: Claims 21 – 23 recite an invention that has been examined and found patentable in Patent No. 6,827,143.

Applicant's effective filing date is more than three months later than the effective filing date of said patent. Accompanying this Amendment are papers complying with 37 C.F.R. § 1.608(b).

<p style="text-align: center;"><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:</p> <p style="text-align: center;">Commissioner for Patents Mail Stop Board of Patent Appeals and Interference Post Office Box 1450 Alexandria, VA 22313-1450</p> <p>On: <u>Feb 10, 2005</u> By: <u>Pamela Gautreaux</u> Pamela Gautreaux</p>
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